

**Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure**

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Serial No.: 09/762,224

Confirmation No.: 2859

Filed: 30 July 2001 (35 USC §371)

For: PSEUDOTYPED RETROVIRUSES AND STABLE CELL LINES FOR THEIR PRODUCTION**Remarks**

The Office Action mailed 26 January 2005 has been received and reviewed. Claims 13-18, 30-32, 39, 44-52, and 55, which were withdrawn from consideration by the Examiner pursuant to a restriction requirement mailed 6 November 2003, are cancelled without prejudice, in order to advance prosecution of the application.

Applicant notes that in the outstanding Office Action mailed on 26 January 2005, there was a discrepancy regarding the status of claims 29-32 between the disposition of claims as described in the Office Action Summary and the claims as described within the Detailed Office Action. Claims 29-32 were not listed specifically in the Disposition of Claims, but claims 1-58 were described as pending. However, claim 29 was described as rejected within the Detailed Office Action. To clarify the status of these claims, Applicants submit that claims 30-32 were withdrawn from consideration by the Examiner as being directed to a non-elected invention, and claim 29 is pending and under examination as further described below.

A further discrepancy was noted, this time between the response mailed by Applicants' representative on 17 November 2004 and the outstanding Office Action mailed on 26 January 2005. Claims 24 and 29 were designated as cancelled in Applicants' amendment; however, the text of the claims in the "Listing of Claims" was retained in the response, and it appears that the Examiner still considered these claims as pending, as they were so listed in the outstanding Office Action mailed on 26 January 2005. To clarify the status of these claims, Applicants respectfully request that they still be considered pending, as designated by the Examiner, and confirmation of their status as pending in the next official communication is respectfully requested.

Accordingly, the claims remaining under consideration are claims 1-12, 19-29, 33-38, 40-43, 53, 54, and 56-58. Of these claims, claims 5-7, 10, 21-23, 35-38, and 41-43 are cancelled herewith, without prejudice, and claims 1, 11, 19, 26, 33, 40, and 53 are amended. The pending claims are thus claims 1-4, 8-9, 11-12, 19-20, 24-29, 33-34, 40, 53, and 56-58.

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**The 35 U.S.C. §112, First Paragraph, Rejection**

The Examiner rejected claims 1-12, 19-29, 33-38, 40-43, 53, and 56-58 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The rejection is respectfully traversed.

In an effort to expedite prosecution of the above mentioned application, and in view of the Examiner's suggestion that "the skilled artisan would reasonably conclude that applicants were in possession of a recombinant MoMLV expression system that was capable of producing RRV-pseudotyped RVVPs" (p. 4, lines 9-12, Office Action of 1/26/05), Applicant has amended claims 1, 11, 19, 26, 33, 40, and 53 to specify that the retroviral Gag, Pol, and Pro polypeptides are Moloney murine leukemia polypeptides, and that the glycoproteins are Ross River alphaviral glycoproteins. Claims 5-7, 10, 21-23, 35-38, and 41-43, directed to various other viral aspects, have accordingly been cancelled, without prejudice. It is respectfully submitted that the remaining claims 1-4, 8-9, 11-12, 19-20, 24-29, 33-34, 40, 53, and 56-58 are in condition for allowance.

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It is respectfully submitted that the pending claims 1-4, 8-9, 11-12, 19-20, 24-29, 33-34, 40, 53, and 56-58 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
**Purdue Research Foundation**

By  
Mueting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Phone: (612) 305-1220  
Facsimile: (612) 305-1228  
Customer Number 26813

May 26, 2005  
Date

By: Victoria A. Sandberg  
Victoria A. Sandberg  
Reg. No. 41,287  
Direct Dial (612) 305-1226

**CERTIFICATE UNDER 37 CFR 51.8:**

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26th day of May 2005, at 3:00pm (Central Time).

By: Jacquelyn K. Torborg  
Name: Jacquelyn K. Torborg